

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

UNITED STATES OF AMERICA	)	Case No. 1:17-cr-140
	)	
v.	)	District Judge Curtis L. Collier
	)	
KEVIN SHANE COOLEY	)	Magistrate Judge Christopher H. Steger

**ORDER**

U.S. Magistrate Judge Christopher H. Steger filed a report and recommendation (Doc. 260) recommending that the Court: (1) grant Defendant's motion to withdraw his not-guilty plea to a lesser included offense of Count One of the sixteen-count Superseding Indictment; (2) accept Defendant's guilty plea to a lesser included offense of Count One of the sixteen count Superseding Indictment; (3) adjudicate Defendant guilty of conspiracy to distribute and possess with intent to distribute a mixture and substance containing a detectable amount of methamphetamine, in violation of 21 U.S.C. §§ 841(b)(1)(C) and 846; and (4) order that Defendant remain in custody until further order of this Court or sentencing in this matter.

After reviewing the record, the Court agrees with Magistrate Judge Steger's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 260) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not-guilty plea as to a lesser included offense of Count One of the sixteen-count Superseding Indictment is **GRANTED**;
2. Defendant's plea of guilty to a lesser included offense of Count One of the sixteen-count Superseding Indictment is **ACCEPTED**;

3. Defendant is hereby **ADJUDGED** guilty of conspiracy to distribute and possess with intent to distribute a mixture and substance containing a detectable amount of methamphetamine, in violation of 21 U.S.C. §§ 841(b)(1)(C) and 846;
4. A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** in custody until further order of this Court or sentencing in this matter which is scheduled to take place on **May 8, 2019, at 2:00 p.m.** before the undersigned.

**SO ORDERED.**

**ENTER:**

/s/  
**CURTIS L. COLLIER**  
**UNITED STATES DISTRICT JUDGE**